

87<sup>th</sup> Legislative Session – 2012

Committee: Senate Commerce and Energy

Thursday, February 02, 2012

P - Present  
E - Excused  
A - Absent

Roll Call

P Adelstein  
P Buhl  
P Johnston  
P Lederman  
P Rave  
P Nygaard, Vice-Chair  
P Nelson (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Senator Tom Nelson.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, JANUARY 31<sup>ST</sup>

Moved by: Rave  
Second by: Buhl  
Action: Prevailed by voice vote.

SB 99: provide for a temporary suspension of certain licenses relating to alcoholic beverages under emergency conditions.

Presented by: Senator Tom Hansen  
Proponents: David McGirr, self, Huron  
Greg Jamison, self, Sioux Falls  
Jim Hood, SD Retailers Association  
Bret Clanton, self, Buffalo

MOTION: AMEND SB 99

99tb

On the printed bill, delete everything after the enacting clause and insert:

"Section 1. That chapter 35-2 be amended by adding thereto a NEW SECTION to read as follows:

Any licensee or employee of a licensee who is charged with a felony offense involving a minor, a crime of violence pursuant to subdivision 22-1-2(9), or a felony drug-related offense on the licensed premises is prohibited from entering onto the licensed premises until the charges have been fully adjudicated. A violation of this section is a class 1 misdemeanor."

Moved by: Adelstein  
Second by: Nygaard  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 99 AS AMENDED

Moved by: Adelstein  
Second by: Johnston  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Buhl, Johnston, Rave, Nygaard, Nelson (Tom)

Excused: Lederman

MOTION: AMEND TITLE OF SB 99

99ttb

On page 1, line 1 of the printed bill delete everything after "to" and insert "prohibit certain licensees or employees of a licensed establishment who have been charged with certain felony offenses from entering the licensed premises and to provide a penalty therefor."

On page 1, delete line 2.

Moved by: Johnston  
Second by: Adelstein  
Action: Prevailed by voice vote.

SB 126: create an oil pipeline indemnity bond program.

Presented by: Senator Jason Frerichs

Proponents: Bret Clanton, self, Buffalo

Luke Temple, Dakota Rural Action (Handout #1)

Margo Northrup, SD Association of Rural Water Systems

David Niemi, self, Buffalo (Handout #2)

Jeremiah M. Murphy, SD Stockgrowers Association

John Kerstiens, SD Farmers Union

Opponents: Drew Duncan, TransCanada Keystone Pipeline, LP (Handout #3)

Tim Tollefsrud, Department of Energy and Natural Resources

MOTION: AMEND SB 126

126ja

On page 1, line 4, of the printed bill, after "bond" insert "in a form acceptable to the South Dakota Department of Insurance".

On page 1, line 5, after "company" insert "whose net worth and reserves are sufficient as determined by the South Dakota Department of Insurance".

Moved by: Adelstein

Second by: Buhl

Action: Failed by voice vote.

MOTION: AMEND SB 126

126ta

On page 1, line 14, of the printed bill, delete "five" and insert "one".

Moved by: Buhl

Second by: Nygaard

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 126

126jc

On page 1, line 14, of the printed bill, delete "five" and insert "two".

Moved by: Adelstein  
Action: Died for lack of a second.

MOTION: AMEND SB 126

126ta

On page 1, line 14, of the printed bill, delete "five" and insert "one".

Moved by: Buhl  
Second by: Nygaard  
Action: Failed by roll call vote. (2-5-0-0)

Voting Yes: Lederman, Nygaard

Voting No: Adelstein, Buhl, Johnston, Rave, Nelson (Tom)

MOTION: AMEND SB 126

126jb

On page 1, line 4, of the printed bill, after "bond" insert "in a form acceptable to the South Dakota Department of Insurance not to exceed three million dollars".

On page 1, line 5, after "company" insert "whose net worth and reserves are sufficient as determined by the South Dakota Department of Insurance not to exceed three million dollars".

Moved by: Nygaard  
Second by: Lederman  
Action: Failed by roll call vote. (2-5-0-0)

Voting Yes: Lederman, Nygaard

Voting No: Adelstein, Buhl, Johnston, Rave, Nelson (Tom)

MOTION: DO PASS SB 126

Moved by: Nygaard

Second by: Buhl  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 126 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Lederman  
Second by: Johnston  
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Johnston, Lederman, Rave, Nelson (Tom)

Voting No: Adelstein, Buhl, Nygaard

SB 145: prohibit rebates and regulate contracts for residential roofing goods and services.

Presented by: Senator Joni Cutler  
Proponents: Dick Tieszen, State Farm Insurance  
Steve Bruning, State Farm Insurance  
Mike Shaw, Property Casualty Insurance Association of America  
Craig Matson, State Farm Insurance  
Opponents: Dwight Neuharth, SD Home Builders Association  
Darrell Christensen, self, Sioux Falls

THE CHAIR DEFERRED SB 145 UNTIL TUESDAY, FEBRUARY 7<sup>TH</sup>

SB 96: provide the assessment and payment of taxes on certain school and endowment mineral rights leases.

Presented by: Senator Ryan Maher

MOTION: AMEND SB 96

96fa

On page 1, line 11, of the printed bill, before "value" insert "capitalized".

On page 2, line 13, before "value" insert "capitalized".

On page 2, line 14, after "leases." insert "The rent or fee for a mineral rights lease shall be capitalized at a rate of five percent to determine the assessed value of each mineral rights lease.".

Moved by: Rave  
Second by: Adelstein  
Action: Prevailed by voice vote.

MOTION: DEFER SB 96 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Rave  
Second by: Adelstein  
Action: Prevailed by roll call vote. (4-0-3-0)

Voting Yes: Adelstein, Lederman, Rave, Nelson (Tom)

Excused: Buhl, Johnston, Nygaard

SB 97: require the payment of a surface access fee for oil and gas exploration and production.

Presented by: Senator Ryan Maher  
Proponents: Tim Brown, self, Buffalo (Handout #2)  
David Niemi, self, Buffalo  
William Clarkson, self, Buffalo  
Bret Clanton, self, Buffalo  
Ron Slaba, self, Ludlow  
Dean Wagner, self, Ralph

MOTION: AMEND SB 97

97ta

On page 1, line 5, of the printed bill, delete "royalty" and insert "working".

Moved by: Rave  
Second by: Adelstein  
Action: Prevailed by voice vote.

THE CHAIR DEFERRED SB 97 UNTIL TUESDAY, FEBRUARY 7<sup>TH</sup>

MOTION: ADJOURN

Moved by: Rave

Second by: Lederman

Action: Prevailed by voice vote.

Lois Henry  
Committee Secretary

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Tom Nelson, Chair